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MT LEGISLATIVE HISTORY

Chapter 90 1987

Bill H _____ S 78 Original bill & hist. ✓ C

H. Committee on Bus. & Labor			S. Committee on Bus. & Industry		
Hearing Date(s)		C	Hearing Date(s)		C
	3/3	✓C		1/14	✓C
		C			C
		C			C
Date Out	3/3	✓C		1/14	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

18 pages

SENATE BILL NO. 78

INTRODUCED BY HAFFEY

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

IN THE SENATE

JANUARY 9, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.
JANUARY 14, 1987	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 15, 1987	PRINTING REPORT.
JANUARY 17, 1987	SECOND READING, DO PASS.
JANUARY 19, 1987	ENGROSSING REPORT.
JANUARY 20, 1987	THIRD READING, PASSED.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 4, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & LABOR.
MARCH 3, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 4, 1987	SECOND READING, CONCURRED IN.
MARCH 5, 1987	THIRD READING, CONCURRED IN. AYES, 96; NOES, 1.
	RETURNED TO SENATE.

IN THE SENATE

MARCH 6, 1987	RECEIVED FROM HOUSE.
	SENT TO ENROLLING.

Senate BILL NO. 78

INTRODUCED BY Hoffy

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO TRANSFER REGULATION OF PASSENGER TRAMWAYS FROM THE DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF COMMERCE; AMENDING SECTIONS 23-2-702, 23-2-715, AND 23-2-734, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 23-2-702, MCA, is amended to read:

"23-2-702. Definitions. As used in this part, the following definitions apply:

(1) "Area" means the area, terrain, or ski slopes served by a passenger tramway.

(2) "Department" means the department of ~~administration~~ commerce provided for in ~~Title 2, chapter 15, part 10~~ 2-15-1801.

(3) "Industry" means the passenger tramway business activities of all those persons in the state who own, manage, or direct the operation of passenger tramways.

(4) "Operator" means a person, including any political subdivision or instrumentality thereof, who owns, manages, or directs the operation of a passenger tramway.

(5) "Passenger tramway" means a device used to transport passengers by means of any of the following:

(a) two-car aerial passenger tramway, a device used to transport passengers in two open or enclosed cars attached to and suspended from a moving wire rope or attached to a moving wire rope and supported on a standing wire rope or similar devices;

(b) multicar aerial passenger tramway, a device used to transport passengers in several open or enclosed cars or carrying device attached to and suspended from a moving wire rope or attached to a moving wire rope and supported on a standing wire rope or similar devices;

(c) skimobile, a device in which a passenger car running on steel or wooden tracks is attached to and pulled by a steel cable or similar devices;

(d) chair lift, a type of transportation on which passengers are carried on chairs suspended in the air and attached to a moving cable, chain, or link belt supported by trestles or towers with one or more spans or similar devices;

(e) a J-bar, T-bar, or platterpull, so-called, and similar types of devices or means of transportation which pull skiers riding on skis by means of an attachment to a main overhead cable supported by trestles or towers with one or more spans;

INTRODUCED BILL
SB-78

(f) rope tow, a type of transportation which pulls the skier, riding on skis as the skier grasps the rope or wire rope manually, or similar devices."

Section 2. Section 23-2-715, MCA, is amended to read:

"23-2-715. Assessment on passenger tramway receipts. (1) The department ~~of administration~~ is hereby authorized to impose an assessment of 1/4 of 1% on the gross receipts of all passenger tramways operated in the state of Montana. A minimum of $100 shall be collected annually from the owner of a passenger tramway facility. The assessment shall be calculated upon gross receipts received during the period July 1 of any year to July 1 of the following year. The assessments shall be collected by the department of revenue and remitted to the state special revenue fund by December 31 of each year.

(2) All proceeds of the gross receipts assessment and the fees collected under 23-2-714 shall be used only to support the duties of the department set forth in this part."

Section 3. Section 23-2-734, MCA, is amended to read:

"23-2-734. Duties of operator with respect to passenger tramways. A ski area operator shall construct, operate, maintain, and repair any passenger tramway in accordance with the rules of the department ~~of administration~~. However, nothing in this section relieves

an operator from the duty of taking whatever other actions are necessary to properly construct, operate, maintain, and repair a passenger tramway."

NEW SECTION. Section 4. Extension of authority. Any existing authority of the department of commerce to make rules on the subject of the provisions of this act is extended to the provisions of this act.

NEW SECTION. Section 5. Effective date. This act is effective July 1, 1987.

-End-

MONTANA STATE SENATE

BUSINESS AND INDUSTRY COMMITTEE

- -

50TH LEGISLATURE

- -

COMMITTEE MEMBERS:

Senator Allen C. Kolstad, Chairman
Senator Ted Neuman, Vice Chairman
Senator Paul Boylan
Senator Delwyn Gage*
Senator Tom Hager
Senator Harry H. McLane
Senator Darryl Meyer
Senator Gene Thayer
Senator Mike Walker
Senator Cecil Weeding
Senator Bob Williams

STAFF ATTORNEY: Mary McCue

COMMITTEE SECRETARY: Carolyn A. Linden

*Sen. Gage was unable to attend most of the meetings due to a conflict with other committees. He was replaced by Sen. Hager.

- -

BOOK: ONE OF THREE

INCLUSIVE DATES: 1/6/87 THROUGH 2/6/87

CHAIRMAN [illegible] ROOM 410 [illegible]

NORMAL SCHEDULE [illegible] SITE - ROOM 410 DAY [illegible] TIME [illegible]

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
SB0005 HAFFEY, JACK	1/03	1/06	1/6/87 1/7/87 REFUELING SERVICE AT SELF-SERVICE PRICE FOR HANDICAPPED DRIVERS	ADVERSE REPORT 1/7/87		1/7/87
SB0054 THAYER, GENE	1/06	------	--------- LOW-INCOME TELEPHONE ASSISTANCE PROGRAM	DIED IN COMMITTEE		------
SB0078 HAFFEY, JACK	1/09	1/14	1/14/87 TRANSFER REGULATION OF PASSENGER TRAMWAYS TO DEPARTMENT OF COMMERCE	DO PASS 1/14/87		1/14/87
SB0079 HALLIGAN, MIKE	1/09	1/16	1/16/87 1/23/87; 1/30/87 SMOKE DETECTORS IN HOMES SOLD OR TRANSFERRED	PASS AS AMENDED 1/30/87		1/30/87
SB0080 MAZUREK, JOSEPH P.	1/9	1/13	1/13/87 ALLOW INDIVIDUAL TO BUY STOCK IN DEVELOPMENT CORP; MEMBER NO PART IN CONTROL	DO PASS 1/13/87		1/13/87
SB0083 MAZUREK, JOSEPH P.	1/10	1/13	1/13/87 CHANGING REPORTING REQUIREMENTS FOR ECONOMIC DEVELOPMENT BOARD	DO PASS 1/13/87		1/13/87
SB0097 THAYER, GENE	1/13	1/20	1/20/87 REVISE ECONOMIC DEVELOPMENT BOND, MUNICIPAL FINANCE CONSOLIDATION LAWS	DO PASS 1/20/87		1/20/87
SB0099 GALT, JACK E.	1/14	1/20	1/20/87; 2/16/87 REQUIRE DEALER, WHOLESALE SELLER TO DISCLOSE GEMSTONE TREATMENT	PASS AS AMENDED 2/16/87		2/16/87
SB0110 THAYER, GENE	1/15	1/21	1/21/87 INVESTMENT OF IN-STATE INVESTMENT FUND IN MONTANA CAPITAL COMPANIES	DO PASS 1/21/87		1/21/87
SB0115 GAGE, DELWYN	1/16	1/21	1/21/87; 2/5/87 REQUIRING CONTINUING EDUCATION FOR LIFE AND DISABILITY INSURANCE AGENTS	PASS AS AMENDED 2/5/87		2/5/87
SB0117 HALLIGAN, MIKE	1/16	-----	------- ALLOWING DOMESTIC CORP. TO QUALIFY FOR STATE CONTRACT BIDDING PREFERENCE	DIED IN COMMITTEE		------

MINUTES OF THE MEETING
BUSINESS & INDUSTRY COMMITTEE
MONTANA STATE SENATE

January 14, 1987

The fourth meeting of the Business and Industry Committee was on Wednesday, January 14, 1987, in Room 410 of the Capitol at 10 a.m. The meeting was called to order by Chairman Allen Kolstad.

ROLL CALL: All committee members were present with the exception of Sen. Delwyn Gage, who was excused.

CONSIDERATION OF SENATE BILL NO. 78: Sen. Jack Haffey, Senate District 33, was the chief sponsor of the bill which proposed to transfer the regulation of tramways, ski lifts, tows, etc., from the Department of Administration, Division of Architecture and Engineering to the Department of Commerce. Sen. Haffey explained that these regulatory procedures are being transferred to the Department of Commerce because almost all other state regulatory procedures ensuring safety in various areas are handled through that Department, Business Regulation Division. The work is contracted out and everything should proceed as efficiently as in the past, or even more so. Sen. Haffey stated that the Montana Ski Operators Association, represented by Mr. Melby, has no problem with this bill and Mr. Melby asked Sen. Haffey to present that view, as long as the Tramway Advisory Council that is in existence now, remains in existence. Mr. Melby has a commitment from the administration, in writing, that that would be the case. Sen. Haffey feels that it is a very simple bill.

PROPONENTS:

Tom O'Connell, Administrator of the Architecture and Engineering Division, offered more background on the tramway program. He stated that it was created in 1972 during reorganization and was for one year administered by the Department of Fish, Wildlife and Parks. In 1973 the Architecture and Engineering Division took that over and have had it ever since. The sole purpose of the program is to protect the public's use of the passenger tramways, basically at ski areas, whether it's a chair lift, aerial tram, rope tow or tee bars, etc. He further explained that the program works through a certification process where each year ski areas apply for certification of their lifts. The department has a contract with a licensed tramway engineer who inspects those lifts and certifies that all the deficiencies have been corrected before the department will certify to the area that they can operate that lift for the year. The design and construction of new lifts are also certified by that department and inspected by the tramway engineer. Mr. O'Connell feels that this regulatory program would be more appropriately placed with the Department

of Commerce whom they have worked with and who have expressed they have no problem in taking it over. Mr. O'Connell pointed out that they have requested an effective date of July 1 because the areas, by statute, must request cerfitication of their lifts by October 1 of each year and if the bill did not become effective until October 1, there would be an inconvenience for the public and the administration trying to shift the program over at the same time the areas were requesting certification.

Chairman Kolstad asked Mr. O'Connell why they had not asked for an effective date upon passage and approval of the bill. Mr. O'Connell explained that they felt there could be some confusion with the budget appropriated to his department until the end of Fiscal 1987.

OPPONENTS: There were no opponents.

DISCUSSION OF SENATE BILL NO. 78:

Questions were then called for from the committee members. Sen. Williams wanted to know if there is a charge for inspection and if the charge is enough to pay for the inspection. Mr. O'Connell answered that the charge for the inspection is prorated as per the type of lift - aerial tramways are $100 per lift, chairlifts are $50 per lift and rope tows and platterpulls are $25 per lift. It is not enough to cover the inspections but added to this fee is a one quarter of one percent tax on the gross receipts of all ski areas which, together with the certification fees, are enough to cover the program. Between the two fees about $18,000 are rasied each year. Sen. Neuman asked if both departments budgeted for this. Mr. O'Connell replied that in a way they had both budgeted for it and went on to explain that the office of Budget and Program Planning listed the budget under Administration. The Legislative Fiscal Analyst listed the budget under the Department of Commerce. They were not listed in both places. In either case, it is a question between the Budget Office and the Fiscal Analyst's Office as to who is carrying that budget. Mr. O'Connell stated that his department saw the Department of Commerce as carrying it and felt that Mr. Kimble from the Department of Commerce would be at this meeting to explain that but he had to be at a meeting where he expected that to come up in his budget and said "no", it isn't really included in both budgets.

Sen. Haffey closed the presentation of SB 78.

EXECUTIVE ACTION:

Sen. Williams moved that SB 78 DO PASS, seconded by Sen. McLane. The motion carried unanimously.

ROLL CALL

BUSINESS AND INDUSTRY COMMITTEE

50th LEGISLATIVE SESSION -- 1987 Date 1/14/87

	PRESENT	ABSENT	EXCUSED
[illegible] C. Kolstad, Chairman	✓		
[illegible] Neuman, Vice Chairman	✓		
[illegible] Boylan	✓		
[illegible] Gage			✓
[illegible] H. "Doc" McLane	✓		
[illegible]ryl Meyer	✓		
[illegible]ke Walker	✓		
[illegible]cil Weeding	✓		
Bob Williams	✓		
Gene Thayer	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

JANUARY 14 19 87

...ttee on BUSINESS AND INDUSTRY

...onsideration SENATE BILL No. 78

FIRST ___ reading copy (WHITE)
color

...follows: That SENATE BILL No. 78

DO PASS

ALLEN C. KOLSTAD Chairman.

BUSINESS & LABOR COMMITTEE

50TH LEGISLATIVE SESSION

1987

Committee Members	District
Rep. Les Kitselman, Chairman	95
Rep. Fred Thomas, Vice Chairman	62
Rep. Bob Bachnini	14
Rep. Ray Brandewie	49
Rep. Jan Brown	46
Rep. Ben Cohen	3
Rep. Jerry Driscoll	92
Rep. William Glaserl	98
Rep. Larry Grinde	30
Rep. Stella Jean Hansen	57
Rep. Tom Jones	4
Rep. Lloyd McCormick	38
Rep. Gerald Nisbet	35
Rep. Bob Pavlovich	70
Rep. Bruce Simon	91
Rep. Clyde Smith	5
Rep. Charles Swysgood	73
Rep. Norm Wallin	78

Secretary

Elsie Sebens-Armstrong

Staff

Paul Verdon

CS-32
1985

STATUS SHEET

50th LEGISLATIVE SESSION

HOUSE

BUSINESS AND LABOR COMMITTEE

SENATE BILL NUMBER	ENTERED COM. DATE	DATE CONSIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CONCURRED IN DATE	BE NOT CONCURRED IN DATE	BE CONCURRED IN AMENDED DATE	BE NOT CONCURR IN AS AMENDE DATE
2	2/4/87	3/3/87	3/3/87					3/3/87			
10	2/11/87	3/12/87	tabled 3/27/87								
16	2/4/87	3/3/87	3/3/87					3/3/87			
34	2/24/87	3/11/87	tabled 3/11/87								
52	3/3/87	3/16/87	tabled 3/17/87								
59	2/4/87	3/3/87	tabled 3/17/87								
73	2/18/87	3/4/87	3/4/87						3	3/4/87	
78	2/4/87	3/3/87	3/3/87					3/3/87			
80	2/4/87	3/4/87	3/4/87					3/4/87			
83	2/4/87	3/4/87	3/4/87					3/4/87			
84	2/4/87	3/3/87	3/3/87					3/3/87			
97	2/4/87	3/4/87	3/4/87					3/4/87			
98	2/4/87	3/4/87	3/4/87					3/4/87			
99	2/23/87	3/11/87	tabled 3/17/87								

SENATE BILL NO. 78 - Transfer Regulation of Passenger Tramways to Department of Commerce, sponsored by Sen. Jack Haffey, Senate District 33, Anaconda. Sen. Haffey stated the bill transfers the responsibility for regulation of tramways from the Architecture and Engineering Division of the Department of Administration to the Business Regulation Division in the Department of Commerce. He said that tramways had to be certified and inspected each year.

PROPONENTS

None.

OPPONENTS

None.

QUESTIONS

Rep. Simon asked about the qualifications of the people in the Department of Commerce. Jim Kembel, with the Department of Commerce, Business Regulation Division, pointed out that the Division currently handled all enforcement of codes on elevators, electrical, plumbing, mechanical, and building codes. He said the inspection was handled under a co ract with an engineer out of Missoula. He pointed out the advantage is that of an enforcement agency dealing with regulation.

Rep. Bachini asked Jim Kembel regarding the tax assessment. Mr. Kembel noted that SB 307 changes some of the finances and addresses the issue.

SENATE BILL NO. 16 - Require Presale Notice to Owner of Sale to Enforce Agister, Service Lien, sponsored by Senator Mike Halligan, Senate District 29, Missoula. Senator Halligan stated this bill was brought to the interim committee on lien laws by Chief Justice Turnage. He said that it provides a standard notice provision that would allow a 30 day notice to a person that does not pay their bill of sale. He submitted the letter from Chief Justice Turnage. Exhibit No. 4.

PROPONENTS

None.

OPPONENTS

None.

ACTION ON SENATE BILL NO. 16

Rep. Hansen moved that Senate Bill 16 BE CONCURRED IN. The motion carried unanimously.

Rep. Hansen will carry this bill in the House.

ACTION ON SENATE BILL NO. 78

Rep. Pavlovich moved that Senate Bill No. 78 BE CONCURRED IN. The motion carried unanimously.

Rep. Pavlovich will carry this bill in the House.

ADJOURNMENT

The meeting was adjourned at 10:15 a.m.

Les Kitselman

REP. LES KITSELMAN, Chairman

DAILY ROLL CALL

BUSINESS & LABOR COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date MARCH 3, 1987

NAME	PRESENT	ABSENT	EXCUSED
REP. LES KITSELMAN, CHAIRMAN	✓		
REP. FRED THOMAS, VICE-CHAIRMAN	✓		
REP. BOB BACHINI	✓		
REP. RAY BRANDEWIE	✓		
REP. JAN BROWN	✓		
REP. BEN COHEN	✓		
REP. JERRY DRISCOLL	✓		
REP. WILLIAM GLASER	✓		
REP. LARRY GRINDE	✓		
REP. STELLA JEAN HANSEN	✓		
REP. TOM JONES	✓		
REP. LLOYD MCCORMICK	✓		
REP. GERALD NISBET	✓		
REP. BOB PAVLOVICH	✓		
REP. BRUCE SIMON	✓		
REP. CLYDE SMITH	✓		
REP. CHARLES SWYSGOOD	✓		
REP. NORM WALLIN	✓		

CS-30

STANDING COMMITTEE REPORT

MARCH 3 19 87

Mr. Speaker: We, the committee on BUSINESS AND LABOR

report SENATE BILL NO. 78

☐ do pass
☐ do not pass
☒ be concurred in
☐ be not concurred in
☐ as amended
☐ statement of intent attached

REP. LES KITSELMAN Chairman

THIRD BLUE

_____ reading copy (_____ color)

EXHIBIT
DATE
SB 378

WITNESS STATEMENT

NAME Tom O'Connell BILL NO. SB 378

ADDRESS 1500 Florence Helena DATE 3/3/87

WHOM DO YOU REPRESENT? State of Montana DofA

SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

EXHIBIT
DATE 3/3/87
SB SB 218

BILL NO. _____

TESTIMONY

TITLE:

"AN ACT TO TRANSFER REGULATION OF PASSENGER TRAMWAYS FROM THE DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF COMMERCE; AMENDING SECTIONS 23-2-702, 23-2-715, AND 23-2-734 MCA AND PROVIDING AN EFFECTIVE DATE".

PURPOSE:

This bill is proposed to you for the purpose of amending the law relating to the regulation of passenger tramways in the State. It would transfer the responsibility for this regulation from the Department of Administration to the Department of Commerce. The Department of Commerce has numerous regulatory functions and could more appropriately administer the program.

DESCRIPTION OF THE BILL:

Section 23-2-702, Subsection (2), is amended to define "department" as the Department of Commerce instead of the Department of Administration.

Section 23-2-715, Subsection (1), is amended to delete reference to the Department of Administration.

Section 23-2-734 is amended to delete reference to the Department of Administration.

A new section provides a July 1, 1987 effective date.

EFFECT OF THE BILL:

This bill will not change, or in any other way effect the policies and functions of the passenger tramway program. Only the administration of the program will be changed. The bill allows the tramway program to be consolidated with similar regulatory functions currently existing within the Department of Commerce.

SUMMARY:

This bill recognizes that the passenger tramway program, and the citizens of Montana that it serves, have a right to expect efficient management from government. Grouping the tramway program with similar functions such as building codes and professional and occupational licensing, provides the organization necessary for proper administration. In turn, this will insure that the public receives the best safeguards possible through the program.